

FACT SHEET

Americans with Disabilities Act Transportation Requirements - Over-the-Road Buses (49 CFR Part 37)

DEFINITION OF TERMS

Over-the-Road Bus (OTRB): A bus characterized by an elevated passenger deck located over a baggage compartment.

Small OTRB Operator: A private entity primarily in the business of transporting people that is not a Class I motor carrier.

Large OTRB Operator: A Class I motor carrier, determined by average annual gross transportation operating revenues.

Interline Service: A fixed route trip of two or more stages in which another operator provides service.

Equivalent Service Standard: A fixed route system or demand responsive system, when viewed in its entirety, shall be deemed to provide equivalent service if the service available to individuals with disabilities, including individuals who use wheelchairs is provided in the most integrated setting appropriate to the needs of the individual and is equivalent to the service provided other individuals with respect to the following service characteristics: schedules/headways; response time; fares; geographic area of service; hours and days of service; availability of information; reservations capability; any constraints on capacity or service availability; and restrictions or priorities based on trip purpose and the service provided by the operator permits a wheelchair user to travel in his or her own mobility aid.

APPLICABILITY DATES

The requirements begin to apply to large OTRB operators beginning October 30, 2000 and to small operators beginning October 29, 2001.

ACQUISITION OF VEHICLES BY PRIVATE ENTITIES

Fixed Route Systems

Private entities primarily engaged in the business of transporting people

Large OTRB operators. The vehicle must be readily accessible and usable by individuals with disabilities including people who use wheelchairs. The fleet accessibility requirement for large operators of OTRB fixed-route systems requires that by October 30, 2006 no less than 50 percent of the buses in its fleet are readily accessible to and usable by individuals with disabilities, including individuals using wheelchairs. By October 29, 2012, the requirement increases to 100

percent of the buses. Requests by operators for time extensions may be applied for and may be granted under certain circumstances. Until 100 percent of the fleet that a large operator uses to provide fixed route service is composed of accessible OTRBs, the operator shall ensure that an individual with a disability that requests service in an accessible OTRB receives such service.

Small OTRB operators. The vehicle must be readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs; or ensure that the service provided by the operator permits a wheelchair user to travel in his or her own mobility aid.

Private entities not primarily engaged in the business of transporting people

If the entity operates a fixed route system and purchases or leases an OTRB for or in contemplation of use on the system, it shall meet the requirements of those operators who are primarily engaged in the business of transporting people.

Interline service

When the general public can purchase a ticket or make a reservation with an interline service with one operator for a fixed route trip of two or more stages in which another operator provides service, the first operator must arrange for an accessible bus, or equivalent service, as applicable, to be provided for each stage of the trip to a passenger with a disability. However, each operator retains the responsibility for providing the transportation required to the passenger for its portion of an interline trip.

Demand Responsive Systems

Beginning one year from the date on which the requirements begin to apply to the entity, any individual with a disability who requests service in an accessible OTRB shall receive such service. The operator may require up to 48 hours advance notice to provide this service.

Service Requirement for OTRBs

Purchases of OTRB vehicles by private entities which are not primarily engaged in the business of transporting people with respect to buses delivered to them on or after the date which applies to them must comply with the provision above that pertains to businesses that are primarily engaged in the business of transporting people as applicable to large or small operators.

Mixed Service Providers

A small OTRB operator that provides both fixed route and demand responsive service and does not use more than 25 percent of its buses for fixed route service may conduct all of its trips on an advance reservation basis as provided for in the demand responsive trips section. Such an operator is not required to comply with the accessible bus acquisition or equivalent service obligations.

Miscellaneous Provisions

Operators shall be trained to ensure that sensitive and appropriate interaction with passengers with disabilities is accomplished. Assistance must be provided to passengers with disabilities as needed to enable the passenger to get on and off the bus at the stop; for example, operating the lift and providing assistance with securement and providing other boarding assistance if needed, as in the case of a wheelchair user who has transferred to a vehicle seat because other wheelchair users have occupied all securement locations.

Standards for Accessible Vehicles

In addition to the general requirements for transportation, the U.S. Department of Transportation issued minimum guidelines and requirements for accessibility standards for transportation vehicles required to be accessible by the ADA.

Remanufactured OTRBs

On or after the date on which these requirements begin to apply to the entity, it remanufactures an OTRB or makes a solicitation for such remanufacturing to extend its usefulness five years or more; or purchases or leases an OTRB, it shall to the maximum extent feasible be readily accessible to and usable by individuals with disabilities including individuals who use wheelchairs.

Enforcement

OTRB passengers with disabilities shall be compensated by operators for failure to provide required vehicles or services in certain situations.

Detailed requirements for over-the-road-buses can be found in the Code of Federal Regulations, 49 CFR Part 37.

OVER-THE-ROAD BUS REQUIREMENTS

Size of OTRB Operator	Type of Business	Effective Date	Requirement
Small - primarily engaged	Fixed route	10/29/01	Acquire accessible vehicle or equivalent service
Large - primarily engaged		10/30/00	Acquire accessible vehicle
Small – auxiliary service	Fixed route or Demand-responsive	10/29/01	Acquire accessible vehicle or equivalent service
Large - auxiliary service		10/30/00	Acquire accessible vehicle
Small - primarily engaged	Demand responsive	10/29/02	Not required to purchase accessible OTRBs (to meet demand responsive requirements), but must provide accessible OTRB service. May require 48 hour notice.
Large - primarily engaged		10/30/01	
Small – primarily engaged (less than 25% of OTRBs used for fixed-route service)	Fixed route and Demand responsive	n/a	Not required to purchase accessible OTRBs, but must provide accessible OTRB service. May require 48 hour notice.

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